

Amendments to the Drawings:

The attached replacement drawing sheets adds Fig. 7.

Attachment: Replacement Sheet

REMARKS

By this Amendment, claims 1-19 are canceled, without prejudice to or disclaimer of the subject matter found therein, and claims 20-41 are added. The specification and the drawings are also amended. No new matter is added. Accordingly, claims 20-41 are pending in this application. Reconsideration of the application is respectfully requested.

I. Allowable Subject Matter

Applicant gratefully acknowledges the indication in the Office Action that claims 3-6, 8, 10 and 13-18 contain allowable subject matter and would be allowable if rewritten to avoid the rejections under 35 U.S.C. §112. However, Applicant has not rewritten these claims into independent form for the reasons discussed in further detail below.

II. Drawing Objection

The Office Action objects to the drawings because of informalities. The Office Action asserts that claim 19 recites a tower crane arrangement devoid of a masthead and a jib tie, which is not shown in the drawings. Specifically, the Office Action asserts any structure located at an upper end of a mast of a tower crane may be considered a masthead.

It is known in the art that the masthead of a tower crane is that portion of the tower which extends vertically above the level of the jib, and to which the jib ties are normally attached. New Fig. 7 is added to illustrate a generic example of a tower crane without a masthead. In adding this new Fig. 7, Applicant intends only to disclose one possible environment in which the claimed invention may be employed and explicitly disclaims any claim to features shown in this generic illustration, other than the absence of a masthead and jib ties.

The specification is also amended to provide a reference for the new Fig. 7.

III. Rejections Under 35 U.S.C. §112, First and Second Paragraphs

The Office Action rejects claim 19 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement; and rejects claims 1-19 under 35 U.S.C. §112, second paragraph, as indefinite. The rejections will be addressed as if applied new claims 20-41.*

With the amendment of the drawings and specification discussed above, and by the foregoing remarks, the basis for the rejection of claim 19 under 35 U.S.C. §112, first paragraph, has been addressed. New claim 38 incorporates the features of canceled claim 19. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

New claims 20-41 incorporate the features of canceled claims 1-19. However, new claims 20-41 address all of the issues raised in the Office Action under 35 U.S.C. §112, second paragraph, with respect to canceled claims 1-19. Specifically, new claims 20-41 clarify all claimed features, provide antecedent basis for all claimed features and are written in standard U.S. claim format. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

IV. Rejections Under 35 U.S.C. §§102(b) and 103(a)

The Office Action rejects claims 1 and 2 under 35 U.S.C. §102(b) over U.S. Patent No. 4,446,975 to Konig; claims 1, 9, 11 and 12 under 35 U.S.C. §102(b) over U.S. Patent No. 6,213,318 to Walker; rejects claim 7 under 35 U.S.C. §102(b) over U.S. Patent No. Konig in view of German Patent No. DE 37 06 301 C1 to Kelp and U.S. Patent No. 4,815,752 to Young et al. (Young); and rejects claim 7 under 35 U.S.C. §103(a) over U.S. Patent No. Walker in view of Young. These rejections will be addressed as if applied to new claims 20-41.

* Claims 20-38 correspond, respectively, to former claims 1-19, and claims 39-41 recite features deleted from claims 8, 14 and 15, respectively.

Specifically, the Office Action asserts that Konig discloses latticework jib elements of a tower crane that include complementary abutment means (elements 28a, 28b, 28c, 28d, 60, 63 and 64 of Figs. 6, 8 and 13) acting in substantially vertical and horizontal directions for the positioning of the shackle and tenon during crane assembly. The Office Action further asserts that Walker discloses latticework jib elements of a tower crane with complementary abutment means (the abutment surfaces 52 of Figs. 7-9), also acting in the substantially horizontal and vertical directions for the relative positioning of the shackle and tenon during jib assembly. Applicant respectfully disagrees with these assertions.

The cranes disclosed in Konig and Walker are not intended to be able to be assembled and/or disassembled at the site of use. Instead, they are foldable cranes that are extended or folded at the site of use. Consequently, the features in Konig and Walker cited in the Office Action as complementary abutment means are not, in fact, abutment means for the relative positioning of a shackle and tenon during assembly of the cranes, but are rather end-of-travel stops intended to stop the already-assembled sections of the latticework jib elements from rotating too far around pivot points during unfolding or folding of the crane (see, e.g., Figs. 6 and 9 of Konig and Figs. 7-9 of Walker).

In contrast, claim 20 recites an assembly device where "each of the shackle and the tenon include complementary abutment means acting in a substantially vertical direction during assembly and complementary abutment means acting in a substantially horizontal during assembly direction to position the shackle and the tenon." Neither Konig nor Walker disclose such a feature. Such a feature would not have been obvious in view of Konig or Walker, at least because the cranes disclosed by them are not intended to be assembled or disassembled at the use site.

For at least the foregoing reasons, new claim 20, and the claims which depend therefrom, are patentably distinct from the applied prior art. Further, the claims depending

from claim 20 are also allowable for the reasons discussed, as well as for the additional features recited therein.

The secondary references applied in the §103 rejections fail to overcome the above-noted deficiency of the primary references with respect to claim 20. Accordingly, the claims rejected under 35 U.S.C. §103 are allowable at least for their dependence on allowable base claim.

V. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 20-41 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted, _____



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Attachment:
Amendment Transmittal

Date: May 8, 2006

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